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Anton Dukart

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EXAMINER

BEHNCKE, CHRISTINE M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

This office action is in response to the Amendment and Remarks filed 12/10/2009, in which claims 8-14 were presented for examination.

Response to Arguments

Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishizaki, US 2004/0002815.

(Claim 8) Ishizaki describes a device for impact sensing for a vehicle, comprising: a first acceleration sensor mechanism situated on a bumper (at least one of sensors 2a or 2b, figure 3), wherein the first acceleration sensor mechanism is situated between a cross-member of the bumper and a fascia of the bumper (at least one of sensors 2a or 2b, situated between bumper 3 and cross member bumper 3A), and wherein the first acceleration sensor mechanism includes at least one acceleration sensor attached to the fascia of the bumper (figure 2 and [0031]).

(Claim 9) Ishizaki further describes wherein the first acceleration sensor mechanism includes two acceleration sensors (sensors 2a, 2b), each having an offset to a center of the vehicle (figure 1).

(Claim 10) Ishizaki further describes wherein the device further comprises at least one additional sensor mechanism situated on the bumper (sensor 202b, figure 6).

(Claim 13) Ishizaki further describes wherein the device is connected to a control apparatus for controlling equipment for protecting persons (ECU 7, [0001]) in such a way that the equipment for protecting persons is controlled as a function of a first signal of the first acceleration sensor mechanism (figure 7, signals from the sensors 202a, 202b, 202c) and a second signal, the second signal being one of an inherent speed or a relative speed (signal from sensor 204).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Mattes, US 2002/0180596.

Ishizaki does not describe wherein the acceleration sensor if at least one of piezo cable and an environmental sensor mechanism. However, Mattes teaches an impact sensing device wherein acceleration sensors are situated on the bumper and at least one additional sensor mechanism is situated on the bumper (first sensor 3). Mattes further teaches the at least one additional sensor mechanism includes at least one of a piezo cable and an environmental sensor mechanism ([0015]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mattes with the device of Ishizaki because as Mattes suggests, additional

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sensors would increase reliability of the detection and more sensitivity to the type of impact detected ([0015]).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Mattes, US 2002/0175499.

Ishizaki does not describe the acceleration sensors acquiring acceleration in a vertical direction. However, Mattes teaches an impact sensing device including an acceleration sensor, wherein the acceleration sensor is configured to acquire acceleration in a vertical direction of the subject wrapped in the sensing device ([0016]). It would have been very obvious to one of ordinary skill in the art at the time of the invention to use a two or three axis acceleration sensor to detect a plurality of accelerations being imposed on the subject, vehicle, monitored for an impact.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Aoki, US 2004/0011582.

Ishizaki does not describe wherein a second acceleration sensor mechanism is located centrally in the control apparatus. However Aoki teaches an impact sensing device wherein a plurality of acceleration sensors are located on a vehicle bumper and

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wherein a second acceleration sensor mechanism is situated centrally in the control apparatus (acceleration sensor 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Ishizaki with the teaching of Aoki because as Aoki suggests, the control device may use the central acceleration sensor as a comparison to determine occurrence of collision and also to test for sensor malfunction ([0080]-[0082]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mizuno, US 6,082,197, teaches a force or impact sensing acceleration sensor, wherein the acceleration sensor is configured to acquire acceleration in a vertical direction of the vehicle (column 40, lines 26-35). It would have been very obvious to one of ordinary skill in the art to substitute the multi-axis acceleration sensor described by Mizuno with the acceleration sensor of Ishizaki because as Mizuno suggests using one acceleration sensor to detect a plurality of acceleration axes enables the user to save on the costs of sensors (column 47, lines 8-17).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE M. BEHNCKE whose telephone number is (571)272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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CMB

/Thomas G. Black/

Supervisory Patent Examiner, Art Unit 3661